

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, APRIL 8, 2004, 1:00 P.M.**

CALL TO ORDER

Betty Willert, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Betty Willert, Chairperson	Vy Janusonis	Robert Hamilton
	Walter Baade	Walter Kolb	Joe La Porte (arrived 1:25 p.m.)

Commission

Members Absent:	Ellen Gennrich	Mareth Kipp
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Staff

Members Present:	Richard L. Mace, Planning and Zoning Manager
	Kathy Brady, Support Staff Supervisor

Guests Present:	Todd and Patti Klotz	Drew Terry	Mark Muschinski
	Tom Pendleton		

MINUTES

- *Mr. Hamilton moved, seconded by Mr. Janusonis and carried unanimously, for approval of the February 19, 2004, Minutes.*
- *Mr. Janusonis moved, seconded by Mr. Baade and carried unanimously, for approval of the March 4, 2004, Minutes.*

PUBLIC COMMENT

Chairperson Willert asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

SCHEDULED MATTER

- Schedule July, August and September 2004, Commission Meeting dates.

The meeting dates were scheduled as follows:

July 8 and 22

August 5 and 19

September 9 and 23

- **CZ-1460A (Guthrie Group/Mark Muschinski) Town of Vernon, Section 1 (B-P Business Park District to the B-3 General Business District)**

Mr. Mace presented the "Staff Report and Recommendation" dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located south of C.T.H. "ES" next to the old Guthrie School property in the Town of Vernon. Currently, the property contains a printing and graphics facility within the former school. The southern two acres of the property would be sold to accommodate a poured concrete wall and foundation business and two new parcels would be created. He indicated, a neighbor to the south expressed concerns regarding access to his property, which is currently land locked. To access the property, their driveway cuts across a long narrow strip of land, previously owned by the school district fronting on Guthrie School Road. The Town of Vernon Plan Commission conditioned approval of the

rezoning upon a permanent easement being recorded or enough land being dedicated to the Town so the neighbor may continue to have access. Mr. Kolb asked why the long narrow strip of land was created? Mr. Mace answered, that he was unsure and noted there were two tax key parcels. Mr. Muschinski, property owner, also stated he was unsure why the long narrow strip was originally created and added it was like that when he purchased the property. He said the existing two Tax Key No.'s would be joined together and then divided into two different parcels.

Mr. Muschinski indicated the parcel to the east of the neighbor's property would be developed. They are working with the Village of Big Bend and part of the requirement from the Village is that Guthrie School Road be extended. Once the road is extended, the neighbor would have access. He is proposing a temporary access for the neighbor until the road is extended. Mr. Mace said the Town should be satisfied, as long as the access easement granted has no end date unless it is related to a future platted street.

After discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCZ-1521 (TSI Development/Tom Pendleton) Town of Vernon, Section 1 (RRD-5 Rural Residential Density District 5 to the R-1 Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located on the south side of Townline Road in the Town of Vernon. A Land Use Plan amendment request for the property from the Rural Density Residential and Other Agricultural Lands category to the Suburban I Density Residential category was approved in 2004. There is an intermittent navigable stream on the southern portion of the property along with steep wooded slopes. The petitioner is proposing to develop the 83-acre property to a 42-lot subdivision. There would be two street extensions, one to the east and one to the west. He added, the rezoning request is in concert with the Land Use Plan amendment for the property and the petitioner has reduced the number of lots originally requested to 40 lots. Mr. Janusonis asked who would own Outlot 3? Mr. Mace replied that the homeowners would own it in common. Mr. Hamilton asked if there is any wetland or environmentally sensitive land on the northern portion of the property? Mr. Mace responded, "Yes", there is a small stream, however, it has not been determined to be navigable at this point. He noted the area is probably tiled and tends to disappear and reappear in different areas. Mr. Hamilton asked if there was a residence and/or buildings on the southeastern portion of the property? Mr. Mace replied, "Yes, the old farmstead". Mr. Hamilton asked if the buildings were abandoned? Mr. Pendleton (petitioner) responded, that the buildings have been removed.

After discussion, Mr. Janusonis moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

Mr. La Porte arrived at the meeting.

- **CU-801T (Randy Henze) Town of Genesee, Section 17**

Mr. Mace presented the “Staff Report and Recommendation” dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting to terminate the existing Conditional Use permitting a veterinary clinic on the property.

Mr. Mace indicated the property is located north of C.T.H. “D” and west of C.T.H. “E” in the Town of Genesee. A Conditional Use Permit (CU-801) was issued for the property in 1990 for the operation of a veterinary clinic. Recently in 2003, a Conditional Use Permit (CU-1357) was issued for the property for a horse breeding, training and boarding farm. The petitioner is requesting to terminate the Conditional Use Permit for the veterinary clinic as it is no longer in operation and there are no plans to operate a clinic. The horse breeding, training and boarding would remain on the property.

After discussion, Mr. La Porte moved, seconded by Mr. Hamilton and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCU-1361 (Nextel Communications) Town of Delafield, Section 2**

Mr. Mace presented the “Staff Report and Recommendation” dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit to co-locate up to 12 additional 6’ antennas on an existing tower and construct an equipment shelter and necessary appurtenances.

Mr. Mace indicated the property is located on Oxford Drive in the Town of Delafield. The petitioner is requesting to co-locate additional antennae to an existing tower located on the property. He noted the Planning and Zoning Division Staff is recommending approval of the request with numerous conditions.

After discussion, Mr. Baade moved, seconded by Mr. La Porte and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCU-1276A (Hawthorne Hills Landscape Contractors, Inc.) Town of Waukesha, Sections 19 and 30**

Mr. Mace presented the “Staff Report and Recommendation” dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting to expand an existing tree nursery and landscape contracting business including an additional building for material and equipment storage.

Mr. Mace indicated the property is located on Saylesville Road in the Town of Waukesha. A residence, tree nursery and landscape contracting business is located on the property. There is a creek located on the east portion of the property, which is navigable. Mr. Klotz, petitioner, said he is requesting to construct a pole building perpendicular to the existing building and explained the new building would be located within 300’ of the navigable stream. Mr. Mace asked if nursery stock was grown on the property? Mr. Klotz replied that nursery stock is grown on the west portion of the property near Saylesville Road. He noted a small portion of the property is leased to a farmer who grows corn and soybeans. Mr. Hamilton asked if there is a crossing at the stream? Mr. Klotz replied, “Yes”, there is a culvert and a gravel pad, which allows access to the lands east of the stream. He added that Bielinski added a new culvert approximately 1½ years ago to improve the drainage from the parcel to the north,

which was developed. Mr. Mace asked who built the residence and pole barn, and how long the petitioner has owned the property? Mr. Klotz replied, that he built the residence and pole barn and has owned the property approximately five years.

After discussion, Mr. Kolb moved, seconded by Mr. Janusonis and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-WAKT-1 (Hawthorne Hills Landscape Contractors, Inc.) Town of Waukesha, Sections 19 and 30**

Mr. Mace presented the “Staff Report and Recommendation” dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for the expansion of an existing tree nursery and landscape contracting business including an additional building for material and equipment storage.

After a brief discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCU-1363 (Paul and Patti Seitz) Town of Merton, Section 12**

Mr. Mace presented the “Staff Report and Recommendation” dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for earth altering activities including filling and grading, and the construction of a pond.

Mr. Mace indicated the property is located on Dobbartin Road in the Town of Merton, with frontage on Lake Keesus. The property is approximately 2.3 acres in size containing a residence and detached garage located on the northern portion of the property. The property contains a very steep wooded hillside on the north side. The previous owner filled a portion of a wet area on the property near the lake, possibly without permits. At that time, the Department of Natural Resources was notified and the filling was stopped.

The petitioner is proposing to construct a building pad for a future home site, fill a wetland and construct a pond. The proposed building pad would be located along the steep slope and has a difference in elevation of 12’ over the width of the pad. The area near the lake contains wet soil conditions and may have been a wetland in the past prior to the illegal fill. Mr. Mace noted that the Town of Merton denied the request and the Planning and Zoning Division Staff is also recommending denial due to the lack of detail and information regarding the proposed grading and that no Building Plans have been submitted for the proposed new residence. Mr. Hamilton suggested the decision letter from today’s meeting include language stating, “no further grading without the appropriate permits”.

After discussion, Mr. Hamilton moved, seconded by Mr. Janusonis and carried unanimously, for denial in accordance with the “Staff Report and Recommendation”.

- **PO-04-OCOT-6 (Sandy Mielke/Quick Cleaners) Town of Oconomowoc, Section 35**

Mr. Mace presented the “Staff Report and Recommendation” dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a dry cleaning business.

Mr. Mace indicated the property is located on S.T.H. 16 and C.T.H. “P” in the Town of Oconomowoc. The proposed drop off dry cleaning business would be located in the Oconomowoc Lakes Plaza shopping center. No dry cleaning would occur on the premises. The shopping center has incorporated a set a rules with guidelines regarding signage for the tenants, however, there are conflicts in the wording of the rules. The Planning and Zoning Staff intends to write a letter to the owner of the shopping center regarding the conflicts in the rules for the tenants. Mr. Hamilton asked if the shopping center would utilize a septic system? Mr. Mace replied, “Yes”, and noted the septic system is located on the southeast portion of the site. He added that sewers are currently not available.

After discussion, Mr. Janusonis moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OCOT-7 (Tim Knepprath/Oconomowoc Lakes Plaza) Town of Oconomowoc, Section 35**

Mr. Mace presented the “Staff Report and Recommendation” dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for two building identification signs.

Mr. Mace indicated the property is located on S.T.H. 16 and C.T.H. “P” in the Town of Oconomowoc. The petitioner is proposing to construct two signs for the shopping center containing the lettering “Oconomowoc Lakes Plaza”. The signs would be located on the west and south side of the building. Both signs would be illuminated and approximately 1.5’ x 20’ or 30’ in size and constructed of lannon stone.

After discussion, Mr. Baade moved, seconded by Mr. La Porte and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OCOT-8 (Town of Oconomowoc Recycling Center) Town of Oconomowoc, Section 21**

Mr. Mace presented the “Staff Report and Recommendation” dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a Town recycling center and yard waste drop off site.

Mr. Mace indicated the property is located on the northeast corner of C.T.H. “K” and S.T.H. 67 in the Town of Oconomowoc, containing approximately 68 acres. The Town and County Plan Commissions approved a landscape supply center business in 2003 on the property. At that time, there was discussion regarding the Town possibly using a portion of the property as the Town compost facility, however, no specifics were given. The Town began using a portion of the property as a compost facility under the assumption that they had been given approval. The Planning and Zoning Division Staff has asked the Town of Oconomowoc to apply for a new Site Plan/Plan Operation for the recycling and compost center. Chairperson Willert asked (referring to the Staff Report and Recommendation”) what conditions

have not been complied with regarding the landscape supply center? Mr. Mace replied, that it was recently discovered that three stormwater basins with overflow were not built properly. Outfall pipes were not installed and holes were placed in the berms which drained water and silt into the swamp. The Waukesha County Land Resources Department has required the landscape supply center to cleanup the area. Another concern was that material and compost runoff, divert to a drainage basin, not directly into the wetland. Mr. Hamilton asked if approval should be delayed until the conditions are met? Mr. Mace replied, that he did not want to delay the recycling center project and noted the landscape supply center is responsible and are cooperating in meeting the conditions. Mr. Baade agreed.

After discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **(Tom and Carol Haynes) Town of Mukwonago, Sections 34 and 35**

Mr. Mace presented the “Staff Memorandum” dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting to retain an existing retaining wall within 5' of the adjacent property line.

Mr. Mace indicated that during the review of a Certified Survey Map, it was discovered that retaining walls were constructed by a previous owner within 5' of the adjacent property line without Town and County approval. The retaining walls are constructed of railroad ties and are approximately 2.5' to 3' in height. According to the photographs taken by the Planning and Zoning Division Staff, the walls appear to be stable and in good condition.

After discussion, Mr. Hamilton moved, seconded by Mr. La Porte and carried unanimously, for approval in accordance with the “Staff Memorandum”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **Amend the Regional Water Quality Management Plan for the Village of Pewaukee**

Mr. Mace presented the “Amendment to the Regional Water Quality Management Plan for the Village of Pewaukee” dated March 2004, and made a part of these Minutes.

Mr. Mace indicated the area proposed to be incorporated into the Pewaukee sanitary sewer area is approximately nine acres in size and located north of Lindsay Road in the Village of Pewaukee. The proposed area is to be subdivided and will be sewerred.

After discussion, Mr. Kolb moved, seconded by Mr. La Porte, and carried unanimously, for approval in accordance with the “Regional Water Quality Management Plan for the Village of Pewaukee”.

- **SCS-914 (Arnold Schlender and Dale Honey) Town of Summit, Sections 17 and 20**

Mr. Mace presented the “Staff Memorandum” dated April 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a “lot not abutting a public road”.

Mr. Mace indicated the 64.46-acre parcel of land in question would be divided into a 10.48-acre parcel (Lot 2) and a 53.98-acre parcel (Lot 1). The 53.98-acre parcel does not have road access. Lot 1 would have access via a 33' wide easement from C.T.H. “DR” located along an existing driveway. There was discussion regarding if Lot 1 was developed in the future, how the lots would be accessed. Mr.

Hamilton asked if the access should be placed along the west lot line? Mr. Mace replied, it would not be possible because there is a small parcel located there.

After discussion, Mr. Janusonis moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Memorandum". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

At 2:30 p.m., Chairperson Willert noted the meeting would recess until 3:00 p.m.

Chairperson Willert called the meeting to order at 3:00 pm.

- **3:00 p.m. SCU-116T (Higgins-Park Bay, LLC) Town of Oconomowoc, Section 36**

Mr. Mace indicated there was a request by a Commission member to reconsider the Commission's action of March 18, 2004, regarding the Higgins' Conditional Use with respect to the conditions of approval.

Mr. Janusonis moved, seconded by Mr. La Porte, to reconsider the Commission's action of March 18, 2004, with respect to the conditions of approval.

Mr. Janusonis and Mr. La Porte withdrew their motion.

There was no other motion to reconsider the matter, therefore, the action from the March 18, 2004, Park and Planning Commission meeting with respect to SCU-116T would remain in effect.

There being no further business to come before the Commission, Mr. Hamilton moved, seconded by Mr. Janusonis to adjourn at 3:05 p.m.

Respectfully submitted,

Mareth Kipp
Secretary

MK:kb